

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROBERT BRANZUELA,
Plaintiff,

v.

JPMORGAN CHASE BANK, et al.,
Defendants.

Case No. [19-cv-02498-VC](#)

**ORDER DENYING EX PARTE
APPLICATION FOR TEMPORARY
RESTRAINING ORDER**

Re: Dkt. No. 12

Branzuela's application for a temporary restraining order is denied. Branzuela's application is premised on his unsupported factual assertions that he submitted a complete loan modification application that was pending at the time that Chase recorded its notice of sale, and that he submitted a second complete loan modification application that remains pending today. *See* Cal. Civ. Code § 2923.6(c) (2019); 12 C.F.R. § 1024.41.

Chase has produced evidence demonstrating that both assertions are false. Branzuela did not become the successor-in-interest to the loan until late December 2018, after the notice of sale was recorded. Before that date, Branzuela would not have had the right to submit a loan modification application. In addition, Branzuela's January 2019 application was denied in February 22, 2019, and his appeal of that decision was denied in April 15, 2019, and so there is no application currently pending. Finally, Branzuela has not substantiated his allegations that Chase's designated point of contact failed to effectively communicate Branzuela's interest in pursuing loan modification to Chase. In any event, Chase reviewed Branzuela's application.

Because Branzuela has not established a likelihood of success on the merits, or the existence of serious questions going to the merits, the application is denied. *Alliance for the Wild*

Rockies v. Cottrell, 632 F.3d 1127, 1134–35 (9th Cir. 2011).

IT IS SO ORDERED.

Dated: May 14, 2019

A handwritten signature in black ink, appearing to read 'Vince', is positioned above a horizontal line.

VINCE CHHABRIA
United States District Judge